#### STATE OF VERMONT

#### HUMAN SERVICES BOARD

In re	)	Fair	Hearing	No.	20,397
	)				
Appeal of	)				

### INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services raising his monthly "premium" for coverage under VPharm. The issue is whether the Department correctly determined the petitioner's income and applied the pertinent regulations in determining the amount of the petitioner's premium.

### FINDINGS OF FACT

- 1. The petitioner lives by himself. He does not dispute that he received timely notice from the Department that effective July 1, 2006 his monthly premium to participate in the VPharm program would increase from \$35 to \$42 a month.
- 2. At a hearing held by phone on July 27, 2006 the petitioner agreed that the Department had correctly determined his monthly income to be \$1,704.58 in disability payments.

3. As of the date of the hearing the petitioner had paid the increased premium amount and had suffered no loss of his benefits.

## ORDER

The Department's decision is affirmed.

# REASONS

There is no question that premiums are required under the regulations for continuing coverage of VPharm based on recipients' income. W.A.M. §§ 3505.1, 3002.6, & M143.

Effective July 1, 2006 the Department amended its regulations to include "across-the-board" increases in those premiums.

Those increases include a provision for a premium of \$42 a month for "beneficiaries whose household income is greater than 175 percent of federal poverty level and no greater than 225 percent of federal poverty level". W.A.M. § 3505.1(3).

There is no dispute in this matter that the petitioner's income is 207 percent of federal poverty level. See

Procedures Manual § P-2420. Inasmuch as the Department correctly assessed the petitioner's premium based on his income in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.